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April 28, 2017

Hon. Magistrate Judge Therese Wiley Dancks  
United States District Court for the  
Northern District of New York  
James Hanley Federal Building  
100 South Clinton Street  
Syracuse, NY 13261  
By E-Filing

Re: COR Development Company LLC v. Howe, No. 5:16-cv-1099

Dear Magistrate Judge Dancks,

As the mediator, Mr. George F. Capinello, has advised on the record, the parties in this case have engaged in the mediation process without success.

Thereafter, as counsel for the defendant Mr. Howe, we proposed to counsel for plaintiff COR that the parties consent to a stay of all proceedings in this civil case during the pendency of the related federal criminal proceeding in the Southern District of New York, *United States v. Percoco, et al*, 1:16-cr-00776. Counsel for COR has advised that COR declines to consent to the requested stay.

Accordingly, Mr. Howe is prepared to move for a stay of all further proceedings in this case, following a conference with the Court. Pursuant to the Court's rules and practice, we respectfully request a telephone status conference call to address the current status of this case and the defendant's intention to move for a stay.

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